

REMARKS

Claims 19, 25, 27-35 have been amended and claims. Claims 1-18, 20-21, 23-24, 26, and 36-38 have been cancelled without prejudice or disclaimer. New claims 39-42 have been added. Claims 19, 22, 25, 27-35, and 39-42 are currently pending. Reconsideration of the pending claims in view of the above amendments and following remarks is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

The Decision on Appeal sustained the Final Office Action rejection of claims 19, 22, 25 and 25-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.: 5,563,607 issued to Loomis *et al.* (hereafter "Loomis").

To establish a *prima facie* case of obviousness under section 103, three basic criteria must be met. *See* MPEP § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the Applicant's disclosure. *Id. citing In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991). Moreover, it is improper to combine references where the references teach away from their combination. *See* MPEP § 2143.01. The Office Action's proposed reference patent does not meet the above criteria with respect to the subject matter of the claims. As such, the rejection is

respectfully traversed.

Amended claim 19 features a method for storing items in a storage facility wherein the storage facility is a warehouse or other facility in which the items are stored in defined storage locations such as shelves or bins. The method comprises receiving and recording a GPS signal through a transceiver coupled to an indicia scanner at first location and determining an approximate coordinate position of the first location based on the GPS signal received by the transceiver coupled to an indicia scanner. The method further comprises processing the GPS signal to determine the approximate coordinate position of the first location. The method further determines the identity of an item by scanning a symbol associated with the item with the indicia scanner and reading a broadcast error compensation signal transmitted directly from a base station having a fixed location. The method compares the approximate coordinate position of the first location from the GPS signal to the broadcast error signal from the base station to determine a second location based on the comparing. The second location is a storage location at which an item is to be stored. The method also associates the storage location and identity into a database.

Nowhere can applicant's representative find in Loomis any teaching or suggestion of a method or process that includes a reading of a broadcast error compensation signal being transmitted from a base station as featured in amended claim 19. Instead, the Rover unit (640) in Loomis "*transmits to a reference unit (600) a demand for error correction data over the LEO satellite link.*" See Col. 4, Lines 57-58 (emphasis added). Only after the Loomis system transmits a demand message from the Rover unit (640) will the reference unit (600) send error correction data, requiring a need for time tags. See Col. 6, Lines 42-67 through Col. 7, Lines 1-4.

The method featured in amended claim 19 eliminates any delay resulting in a need for

bar code scanner capable of transmitting the second positional fix of the stored location and recorded details of the item to a remotely located database.

Nowhere can applicant's representative find in Loomis any teaching or suggestion of a portable device that includes a recorder located in a bar code scanner capable of recording the details of the item scanned by scanning a symbol associated with the item while simultaneously recording the first positional fix of the stored location from a GPS signal. The only reference to a bar code scanner found by Applicant's representative in Loomis is at Col. 7, Lines 46-48. Nowhere can Applicant's representative find a teaching or suggestion that the bar code scanner in Loomis includes a recorder capable of recording the details of the item scanned by scanning a symbol associated with the item while simultaneously recording the first positional fix of the stored location from a GPS signal. Accordingly, amended claim 33 is in condition for allowance and a notice to that effect is respectfully requested.

Claims 34 and 35 depend directly from amended claim 33 and are allowable as a result of their dependency and because of their own distinctive features. *See In re Fine*, 5 USPQ2d at 1600. Accordingly, claims 34 and 35 are in condition for allowance and a notice to that effect is respectfully requested.

New claim 42 features a method of storing items in a storage facility comprising scanning an indicium associated with an item to be stored within the storage facility at a storage location with an indicia scanner. The indicia scanner is coupled to a transceiver. The method further comprises recording details of the identity of the item scanned by the indicia scanner while scanning the indicium associated with the item and receiving through the transceiver concurrently during the recording a GPS signal, providing a first positional fix of the storage

location. The method also determines the identity of the item as a result of the indicium being scanned by the indicia scanner. The method further receives a broadcast error correction signal that is transmitted directly from a base station having a fixed location, the error correction signal is received through the transceiver of the indicia scanner. The method also comprises comparing the broadcast error correction signal to the GPS signal to form a second positional fix of the storage location. The second positional fix is relatively closer to the storage location than the first positional fix. The method also transmits the second positional fix information and identity of the item to a database.

As stated above nowhere can Applicant's representative find any teaching or suggestion in Loomis of a method that comprises receiving a broadcast error correction signal that is transmitted directly from a base station having a fixed location a featured in new claim 42. Instead, the Rover unit (640) in Loomis transmits to a reference unit (600) a demand for error correction data over the LEO satellite link. *See* Col. 4, Lines 57-58. Only after the Loomis system transmits a demand message from the Rover unit (640) will the reference unit (600) send error correction data, requiring a need for time tags. *See* Col. 6, Lines 42-67 through Col. 7, Lines 1-4.

The method featured in new claim 42 eliminates any delay resulting in a need for time tags, since the error correction signal is automatically broadcast to the indicia scanner without a demand signal. Further, Applicant's representative cannot find any teaching or suggestion in Loomis of a method that comprises recording details of the identity of the item scanned by the indicia scanner while scanning the indicium associated with the item and receiving through the transceiver *concurrently* during the recording a GPS signal, providing a first positional fix of the

storage location. (Emphasis added). Again, the only reference related to an indicia scanner in Loomis is the bar code scanner at Col. 7, Lines 46-48, appearing to be devoid of any teaching or suggestion that the bar code scanner includes a transceiver capable of receiving a GPS signal that provides a first positional fix while concurrently recording the details of the identity of the time scanned as featured in new claim 42.

Since Loomis fails to teach or suggest a method that includes a reading of a broadcast error correction signal being transmitted from a base station and/or recording details of the identity of the item scanned by the indicia scanner while scanning the indicium associated with the item and receiving through the transceiver *concurrently* during the recording a GPS signal, providing a first positional fix of the storage location, new claim 42 is in condition for allowance and a notice to that effect is respectfully requested.

New claim 43 depends directly from amended claim 42 and is allowable as a result of its dependency and because of its own distinctive features. *See In re Fine*, 5 USPQ2d at 1600. Accordingly, new claim 43 is in condition for allowance and a notice to that effect is respectfully requested.

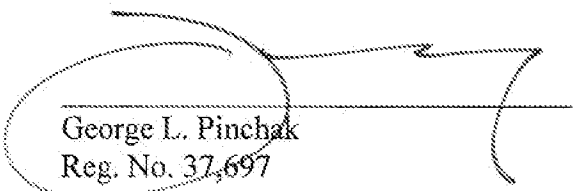
CONCLUSION

In view of the foregoing Amendments and Remarks, it is respectfully submitted that the invention recited by the claims in this Application is patentably distinct from the cited reference and the Application is in condition for allowance. Prompt notice to that effect is respectfully requested. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 20-0090 for

additional fees required.

Respectfully submitted,

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George L. Pinchak
Reg. No. 37,697

John A. Yirga,
Reg. No. 56,480

**TAROLLI, SUNDHEIM,
COVELL & TUMMINO LLP**
1300 East Ninth St, Suite 1700
Cleveland, OH 44114
Phone: (216) 621-2234
Facsimile: (216) 241-8151
Email: jyirga@tarolli.com